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2138 RAYBURN HOUSE OFFICE BUILDING

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<http://www.house.gov/judiciary>

September 14, 2004

The Honorable Glenn Fine
Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Fine:

I am writing to ask that the Office of the Inspector General investigate whether the Attorney General of the United States violated federal law by conducting a public relations efforts to stem criticism of and generate support for the USA PATRIOT Act and the U.S. Department of Justice's enforcement of that law. I believe these efforts violated not only prohibitions on propaganda efforts by the Executive Branch but also the Anti-Lobbying Act.

Last year, the Attorney General and various staff embarked on a 14-state, 16-city PATRIOT Act tour. U.S. Attorneys across the country were directed to contact federal representatives and to conduct community meetings on the Act and the Department's anti-terrorism efforts. More detailed information about this campaign is provided in an attached August 14, 2003 memorandum from Guy Lewis, the Director of the Executive Office for U.S. Attorneys, to all U.S. Attorneys. The Attorney General's trips were preceded by advance trips by staff to approximately 25 cities. Furthermore, the Government Accountability Office recently learned that the Attorney General broadened his campaign via the "Life and Liberty" tour, visiting another 13 states and 16 cities; these visits also were preceded by numerous staff advance trips. Finally, the Department has set up a website (www.lifeandliberty.gov) dedicated to these efforts.

First, the appropriations law that funded the Department for fiscal year 2003, when the tour was undertaken, specifically provides that "no part of any appropriations contained in this Act shall be used for publicity or propaganda purposes not authorized by Congress."¹ I am

¹Consolidated Appropriations Resolution of 2003, Pub. L. No. 108-7, § 601, 117 Stat. 11, 99 (2003).

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unaware of any approval that Congress has provided since the enactment of the appropriations law that gives the Department the authority to engage in the effort described above.

Second, these activities also may have violated the Anti-Lobbying Act. The Act generally prohibits any appropriated funds from being used to support or oppose either directly or indirectly any legislation, law, or policy absent the express authorization of Congress.² This prohibition has been interpreted to mean that the Executive Branch should not engage in indirect or "grass roots" lobbying of the public.³ The description of the tour in the Lewis memorandum make it appear that the Department intended to do exactly that – lobby on behalf of the Department's anti-terrorism efforts.

As a result of these concerns, I would ask that your office investigate the legality of the Attorney General's public relations efforts. Please reply through Perry Apelbaum or Ted Kalo of my Judiciary Committee staff, 2142 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-6504; fax: 202-225-4423).

Sincerely,


John Conyers, Jr.
Ranking Member

cc: The Honorable William E. Moschella
Assistant Attorney General
Office of Legislative Affairs

The Honorable F. James Sensenbrenner, Jr.
Chairman
U.S. House Comm. on the Judiciary

²See 18 U.S.C. § 1913 (2003).

³1 OFFICE OF THE GENERAL COUNSEL, U.S. GENERAL ACCOUNTING OFFICE, PRINCIPLES OF FEDERAL APPROPRIATIONS LAW 4-158 (2d ed. 1991).